

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LEACH,

Plaintiff,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

USDC SDNY
DOCUMENT
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22-cv-03007 (ALC)

ORDER OF DISMISSAL

ANDREW L. CARTER, JR., United States District Judge:

On April 11, 2022, Plaintiff, who is appearing *pro se*, filed a Complaint commencing this action. ECF No. 1. On July 11, 2022, the Court issued an Order pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), directing the New York City Law Department to ascertain the identity and badge number of each John Doe whom Plaintiff seeks to sue and the addresses where the defendants may be served. ECF No. 6. On August 22, 2022, Plaintiff filed an amended complaint. ECF No. 9.

On November 16, 2022, the City of New York (“City”) responded to Court’s July 11, 2022 Order identifying the John Doe officers. *See* ECF No. 14. Pursuant to the Court’s Order, Plaintiff was to file a second amended complaint naming the John Doe defendants within thirty days of receiving this information. *See* ECF No. 6 at 3. On October 14, 2022, the Court granted the City a stay as to its obligation to respond to the current amended complaint until after it receives service of the second amended complaint naming the John Doe defendants. ECF No. 13.

However, Plaintiff never filed an amended complaint. Accordingly, on February 22, 2023, the Court ordered Plaintiff to show cause as to why this action should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). ECF No. 16. The Court directed Plaintiff to respond by March 8, 2023, and the Court warned Plaintiff that any failure to make this showing would result in

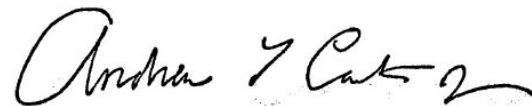
a dismissal of this case without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Id.

To date, Plaintiff has failed to respond to the Order to Show Cause nor has he taken any action in this case for several months. Accordingly, this action is hereby **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is respectfully directed to terminate this case.

SO ORDERED.

Dated: May 1, 2023
New York, New York



ANDREW L. CARTER, JR.
United States District Judge